REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks.

Claim 1 has been amended to include the features of claim 4. Claim 4 has been amended editorially. Claim 1 has been further amended and is supported in the specification at, for example, page 11, lines 4-14 and Figs. 3A-4B. No new matter is added.

35 USC § 102 Rejections

Claims 1, 4-10 and 12-20 have been rejected under 35 USC 102(b) as being anticipated by Shindo et al. (US 5,556,597) or Maisey et al. (US 2002/0057993). Applicant respectfully traverses the rejection.

Claim 1 is directed to an analytical testing element supplying device having a horizontally extending plate including an interference surface for interfering with the loose testing elements, the interference surface having a portion non-parallel to a longitudinal direction of the recess, and a portion of the horizontally extending plate that is adjacent to the interference surface comes into contact with the secured testing element for flattening the secured testing element into the recess.

The feature "a portion of the horizontally extending plate that is adjacent to the interference surface" clarifies what part of the horizontally extending plate comes into contact with the warped secured testing element for flattening the secured testing element into the recess when the movable body moves relative to the container. By way of example only, in the figures, the lower surface portion of the sweep function portion 44 comes into contact with the warped testing element 2A' so as to exert a downward pressing force to the warped element 2A'. As illustrated, the lower surface portion is adjacent to the interference surface 44a (see also Fig. 1) of the sweep function portion 44.

Shindo discloses a test strip supply apparatus that uses a weight near a through groove to prevent a surplus number of test strips from entering the through groove (see Abstract). Shindo is not concerned with, and does not teach or suggest, a horizontally extending plate including an interference surface that comes into contact with the secured

testing element for flattening the secured testing element into the recess as required by claim 1.

Maisey discloses a test device having a housing 2 that houses a stack of test strips 16 in a magazine and a transport member or feed barrel 4 with a recessed portion 12 that receives and transports a single test strip 16 from the stack of test strips (para. [0056]). A constant tension magazine spring 24 urges the stack of test strips 16 against the feed barrel 4 so that a single test strip 16 lies flat in the recess 12 (para. [0057] and FIGs. 2a and 3a). Maisey does not teach or suggest a horizontally extending plate including an interference surface for interfering with the loose testing elements, the interference surface having a portion non-parallel to a longitudinal direction of the recess, and a portion of the horizontally extending plate that is adjacent to the interference surface comes into contact with the secured testing element for flattening the secured testing element into the recess as recited in claim 1.

Neither Shindo nor Maisey disclose the above features of claim 1. It is respectfully requested that the rejection be withdrawn.

Claim 6 is directed to an analytical testing element supplying device having a container that is provided with a plurality of interference portions that interfere with loose testing elements above a secured testing element accommodated in the recess when the movable body moves relative to the container, the interference portions projecting in a direction intersecting a vertical direction and where when the secured testing element is warped and partly protrudes from the recess, the interference portions come into contact with the secured testing element for flattening the secured testing element into the recess when the movable body moves relative to the container.

Claim 6 is allowable for at least the same reasons as discussed for claim 1 above. Applicant respectfully requests that the rejection of claim 6 be withdrawn.

Claim 13 is directed to an analytical testing element supplying having interfering means that interfere with loose testing elements above a secured testing element in the recess when the movable body moves relative to the container. When the secured testing element is warped and partly protrudes from the recess, the interfering means come into contact with the secured testing element for flattening the secured testing element into the recess when the movable body moves relative to the container. The interfering means are

provided with a plurality of pins projecting downward and arranged so the shortest distance between tip ends of the pins and the recess are different from each other.

Claim 13 is allowable for at least the same reasons as discussed for claim 1 above. In addition, neither Shindo nor Maisey disclose a plurality of pins projecting downward and arranged so the shortest distance between tip ends of the pins and the recess are different from each other. Applicant respectfully requests that the rejection of claim 13 be withdrawn.

Claims 4-5 and 15-16 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. Claims 7-10, 12 and 17-18 are allowable at least by virtue of their dependence on independent claim 6 or intervening dependent claims. Claims 14 and 19-20 are allowable at least by virtue of their dependence on independent claim 13. The rejections of these dependent claims should be withdrawn. Applicant does not concede the correctness of the rejection.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

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